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**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

**In Reply Refer To:**  
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SEP 16 2002

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In re: **NEW(FM), Klamath Falls, Oregon**  
Educational Media Foundation  
File No. BPED-19960206MD  
Request for Waiver of 47 C.F.R. § 73.1125  
Main Studio Rule  
Facility ID No. 79135



Dear Counsel:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF").<sup>1</sup> EMF has requested a waiver of the main studio requirement, in order to operate its proposed new noncommercial educational ("NCE") FM station in Klamath Falls, Oregon as a "satellite"<sup>2</sup> of its commonly-owned NCE FM station KLVR(FM), Santa Rosa, California. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order"). However, under Section 73.1125(b)(2), the Commission will waive this requirement where good cause exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

<sup>1</sup> EMF amended its application August 23, 2002 with its waiver request, which was inadvertently omitted from its July 19, 2001 amendment.

<sup>2</sup> A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

EMF's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. EMF proposes to operate the Klamath Falls, Oregon station as a satellite of KLVR(FM), Santa Rosa, California, approximately 245 miles from Klamath Falls. Where there is great distance between parent and satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to: (1) engage the services of a local Klamath Falls public affairs representative to conduct quarterly ascertainment surveys of local community leaders and residents to determine the concerns, problems and needs of Klamath Falls listeners, (2) have a local representative serve as a liaison between the residents of Klamath Falls and EMF's programming personnel, (3) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and (4) maintain a public inspection file in Klamath Falls.

Under these circumstances, we are persuaded that EMF will meet its local service obligation and thus, grant of the requested waiver is consistent with the public interest. We remind EMF, that, notwithstanding its commitment to maintain a public inspection file in Klamath Falls, it must also maintain a public file for the Klamath Falls, Oregon station at the main studio of the parent station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodations for listeners or residents wishing to examine the file's contents as required under the amended rules. *See Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. We further remind EMF that, notwithstanding the grant of the waiver request here, the public file for the station must contain the quarterly issues and program list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application filed by Educational Media Foundation (File No. BPED-19960206MD) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



Peter H. Doyle, Chief  
Audio Division  
Office of Broadcast License Bureau  
Media Bureau

cc: Educational Media Foundation